

The reply filed on 10/717722 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): It is still unclear whether applicant is intending to claim the sensor assembly alone that is adapted for use in a respiratory circuit, or the combination of the sensor and the circuit. In the response of 10/4/20007, applicant stated that the claim was to be drawn only to the sensor for use with the respiratory circuit. However, the examiner noted that applicant by stating that the main body was is affixed to the circuit, the claim clearly recited the combination. The examiner suggested that applicant stated that the sensor was adapted to be affixed to the circuit, which applicant did. However, the remainder of the claim 1 is inconsistent with the claim being drawn to the sensor only, as it recites that 1) the sensor is ... installed inside the inspired flow path and 2) that the heat transfer suppressing portion ... uses heat transfer with the curved portion and the inspired flow path. This recites a positive relationship and hence recites the combination. Therefore, the claim is still unclear. If applicant wishes to only claim the sensor, then all references to the respiratory circuit should be inferential, i.e. adapted to, for use with etc.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT L. NASSER whose telephone number is (571)272-4731. The examiner can normally be reached on m-f 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert L. Nasser Jr/  
Primary Examiner  
Art Unit 3735

RLN  
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